

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

FEDERAL SIGNAL CORP.,  
A Delaware corporation,

*Plaintiff,*

v.

PUBLIC SAFETY EQUIPMENT INC.,  
A Delaware corporation

CODE 3, INC.,  
A Missouri corporation,

*Defendants.*

Pat. # 7,244,053 <sup>82</sup>

Civil Action No. \_\_\_\_\_

**COMPLAINT**

**JURY TRIAL DEMANDED**

Plaintiff, Federal Signal Corp. alleges as follows:

**THE PARTIES**

1. Plaintiff, Federal Signal Corp. ("Federal Signal"), is a corporation organized and existing under the laws of Delaware and having a principal place of business at 1415 West 22<sup>nd</sup> Street, Oak Brook, IL 60523-2004.
2. Upon information and belief, Defendant, Public Safety Equipment Inc. ("PSE"), is a corporation organized and existing under the laws of Delaware and having a principal place of business at 10986 N. Warson Road, St. Louis, MO, 63114.
3. Upon information and belief, Defendant, CODE 3, Inc. ("CODE 3"), is a corporation organized and existing under the laws of Missouri and having a principal place of business at 10986 N. Warson Road, St. Louis, MO 63114.

**JURISDICTION AND VENUE**

4. This is a case for patent infringement arising under the Acts of Congress relating to patents, 35 U.S.C. §§ 271; 282-285. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. Jurisdiction is proper because, upon information and belief, Defendant CODE 3 transacts business in this judicial district including the sales and offering for sale of its products, has committed acts of infringement in this judicial district and Defendant CODE 3 has sufficient contacts with this judicial district to subject themselves to the jurisdiction of this Court.

6. Jurisdiction is proper because, upon information and belief, Defendant PSE transacts business in this judicial district including the sales and offering for sale of its products, has committed acts of infringement in this judicial district and Defendant PSE has sufficient contacts with this judicial district to subject themselves to subject themselves to the jurisdiction of this Court.

7. Venue is proper in this district under 28 U.S.C. §1391(b) and (c) and 28 U.S.C. § 1400(b).

8. Defendant has had actual notice of Federal Signal's patent at issue since at least before December 4, 2007.

**INFRINGEMENT OF U.S. PATENT NO. 7,244,053**

9. On July 17, 2007, United States Patent No. 7,244,053 B2 ("the '053 patent"), entitled "Mounting Foot for Light Bar" was duly and legally issued to Federal Signal an assignee of the inventors, Joseph F. Bader, Jan C. Mol, Sigmund S. Urbanski, Charles P. Meyer, and Robert A. Czajkowski. Federal Signal is the owner

of the entire right, title and interest in and to the '053 patent, and has been and continues to be the owner. A copy of the '053 patent is attached as Exhibit A.

10. On information and belief, Defendants, PSE and CODE 3 have directly infringed, contributed to the infringement of, and/or induced infringement of the '053 patent through the manufacture, use, sale, and offer for sale of certain mounting kits for Light Bar products, including CODE 3's LIT 3 Mounting Kit™.

11. Plaintiff, Federal Signal, has been damaged by the Defendants, PSE and CODE 3's infringement of the '053 patent and will continue to be damaged in the future unless the Defendants PSE and CODE 3 are permanently enjoined from infringing that patent, contributing to the infringement of that patent, and/or inducing the infringement of that patent by others.

12. Upon information and belief, the Defendants PSE and CODE 3 have had actual knowledge of the '053 patent and, on information and belief, have had actual knowledge that the use, manufacture, sale, and offer for sale of the above-identified products infringes that patent, contributes to the infringement of that patent and/or induces the infringement of that patent by others.

13. Upon information and belief, the Defendants PSE and CODE 3 infringement of the '053 patent is now and has been willful and will continue unless enjoined by the Court.

#### **PRAYER FOR RELIEF**

A. United States Patent No. 7,244,053 was duly and legally issued, is valid and enforceable;

- B. The Defendants PSE and CODE 3 have directly infringed, contributorily infringed, and/or induced infringement of one or more claims of United States Patent No. 7,244,053;
- C. The Defendants PSE and CODE 3 infringement of one or more claims of United States Patent No. 7,244,053 was willful;
- D. The Defendants PSE and CODE 3, their officers, agents, servants and employees, and those persons in active concert or participating with any of them be enjoined from further infringing, contributing to the infringement, or inducing the infringement of the United States Patent No. 7,244,053;
- E. An accounting be had and the Plaintiff, Federal Signal, be awarded damages arising out of the Defendants PSE and CODE 3 infringement of United States Patent No. 7,244,053, including treble damages for willful infringement as provided by 35 U.S.C. §284, with interest;
- F. The Defendants PSE and CODE 3 be permanently enjoined from continued use, importation, offer for sale, or sale of the Defendant CODE 3 products that infringe the patent-in-suit;
- G. This case be adjudged and decreed exceptional pursuant to 35 U.S.C. § 285 and that Plaintiff, Federal Signal, be awarded its costs and attorney's fees in pursuing this action; and
- H. Plaintiff, Federal Signal, be awarded such other and further relief as this Court may deem necessary and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff, Federal Signal, hereby demands a trial by jury of all issues so triable.

Date: March 12, 2008

s/Erik G. Swenson

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